

**EXFO**



FW/AF  
2877

September 2, 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

U.S. Patent & Trademark Office  
Patent Examining Operations

Applicant: William S. Gornall, et. al.  
Application No. 10/069,556  
Filed: 02/22/2002  
For: Laser Wavelength Meter  
Examiner: Patrick J. Connolly  
Art Unit: 2877

Response to Action dated 8/24/2004

Sir:

Withdrawl of the FINAL notice of the action is requested. A final action is out of order if it is based upon a new reference, as is the case here ie: Patent No. 4,426,155 – Monchalin (155). Reconsideration and issuance of a new final action is requested, unless Claim 25 is allowed with the already allowed claims (all the other claims in the case).

The 155 patent does not anticipate, since it describes an interferometer where fringes in the unknown and reference beams are separately counted as the retroreflector moves, rather than as interferometer operating by interference of the beams. See 155 col. 4, lines 9-13 and 25-33. Thus the examiner's statement on the last two lines of Page 2 of the action is respectfully submitted to be incorrect.

The 155 patent is based upon handling the reference and unknown beams, separately, using separate paths, see col. 6, lines 16-19, col. 7, lines 15-18.

There is no drawing or illustration of how the reference and unknown beams could be handled separately as required for the separate handling and measurement of the beams, no interference between the beams being described. There is only an ambiguous and unclear paragraph on an unillustrated embodiment (col. 9, line 48-61 of 155). In any event, the beams are separated by a beam splitter and thus travel along separate paths to their respective destinations. Thus the Examiner's finding in the last paragraph of Page 2 of the action is not correct. Allowance of Claim 25 is urged.

An early notice of allowance is respectfully solicited.

Respectfully Submitted



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It is hereby certified that this document was mailed first class mail to the above address on September 2, 2004 by the undersigned.



Susan Yoffee